

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

REALTIME DATA LLC d/b/a IXO, Plaintiff, v. ACTIAN CORPORATION et al., Defendants.	Case No. 6:15-cv-463-RWS-JDL LEAD CASE JURY TRIAL DEMANDED
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**JOINT MOTION REGARDING ENTRY OF DOCKET CONTROL ORDER,
DISCOVERY ORDER, ORDER REGARDING E-DISCOVERY, PROTECTIVE ORDER
AND PHASED LIMITS ORDER**

Pursuant to the Scheduling Order dated July 24, 2015 (Dkt. No. 30), Plaintiff Realtime Data LLC (“Plaintiff”) and Defendants Actian Corporation, Pervasive Software Inc., BMC Software, Inc., Dropbox, Inc., EchoStar Corporation, Hughes Network Systems, LLC, Oracle America, Inc., Hewlett-Packard Company, HP Enterprise Services, LLC, Riverbed Technology, Inc., Dell Inc., SAP America, Inc., Sybase, Inc., and Teradata Operations, Inc. (collectively, “Defendants”) file this Joint Motion regarding Entry of Docket Control Order, Discovery Order, Order Regarding E-Discovery, Protective Order and Phased Limits Order. The parties have met and conferred and reached an agreement as to the form and substance of the Docket Control Order, Order regarding E-Discovery and Protective Order, attached hereto as Exhibits 1, 2, and 3, respectively. The parties have met and conferred and agree in part and dispute in part as to the form and substance of the Discovery Order and Phased Limits Order, attached hereto as Exhibits 4 and 5, respectively, with competing proposals outlined.

Plaintiff believes these consolidated actions are not suitable for “Track B” case management for at least the following reasons indicating the complexity of these actions: (1) the consolidated action involves numerous defendants and numerous accused products; and (2) there

are an average of three or four patents-in-suit per defendant, each of which covers complex technical subject matter. Accordingly, the parties agree that the procedures of Track B are unlikely to create efficiencies and costs savings in this case.

The parties respectfully request that the Court enter the proposed Docket Control Order, Order regarding E-Discovery and Protective Order, and rule on the disputed issues for the Discovery Order and Phased Limits Order and enter appropriate orders for each.

Dated: September 1, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this 1st day of September, 2015.

/s/ Claire Abernathy Henry
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